

REMARKS

The application has been amended and is believed to be in condition for allowance.

The indication that claims 11, 12, 15, 30, 36, 47, and 54-56 would be allowed if amended into independent form is acknowledged with thanks.

It is also gratefully acknowledged that claims 31, 32, and 57 are directed toward patentable subject matter if rewritten to overcome the rejections under 35 USC 112, second paragraph.

Amendments

Claims 1 and 19 have been amended to include the recitation of a level detection signaling configuration for detecting the predetermined fuel level in the fuel container. The amendment finds support in the specification and the Figures (e.g., specification page 7, lines 12-17) and introduces no new matter.

All of the claims have been generally amended in consideration of U.S. practice and preferences, and a number of the claims are amended in response to the formal objections and rejections as outlined below; no new matter is introduced by way of these amendments.

Independent claim 41 has been amended to include the recitations of dependent claim 47 and intervening claim 45, claim 47 being indicated as allowable by the Official Action. Dependent claim 46, formerly depending from intervening claim 45,

has been amended to depend from amended claim 41. Dependent claims 45 and 47, having been incorporated into the parent claim, have been canceled without prejudice.

Independent claim 48 has been amended to include the recitations of dependent claim 54 and intervening claim 52, claim 54 being indicated as allowable by the Official Action. Dependent claim 53, formerly depending from intervening claim 52, has been amended to depend from amended claim 48. Dependent claims 55 and 56, formerly depending from claim 54, have each been amended to depend from amended claim 48. Dependent claims 54 and 52, having been incorporated into the parent claim, have been canceled without prejudice.

New dependent claims 63-71 find support in the claims as originally filed and do not introduce new matter.

The Official Action indicated formal objections to claims 1, 8, 19, and 38.

In reply, claims 1, 8, 19, and 38 have been amended responsive to the Official Action's objections. It is respectfully submitted that these amendments render the objections moot. Reconsideration and withdrawal of the objections to claims 1, 8, 19, and 38 are respectfully requested.

#### Section 112 Rejections

The Official Action rejected claims 6-8, 24-26, 28, 31-32, 42, 49, 53, and 57 under 35 USC 112, second paragraph as being indefinite.

In reply, claims 6-8, 24-26, 28, 31-32, 42, 49, 53, and 57 have been amended in a manner believed to obviate the Official Action's rejections for indefiniteness. Accordingly, reconsideration and withdrawal of the rejections of claims 6-8, 24-26, 28, 31-32, 42, 49, 53, and 57 under 35 USC 112, second paragraph are respectfully requested.

Substantive Rejections

The Official Action rejected claim 1-3, 13, 19-21, and 33 under 35 USC 102(b) as being anticipated by Hansel et al. (US Patent 4,033,389; hereinafter HANSEL).

The Official Action rejected claims 1-2, 4, 14, 19-20, 22-23, 34-35, and 38 under 35 USC 103(a) as being unpatentable over Crandall et al. (US Patent 3,662,924; hereinafter CRANDALL) in view of HANSEL.

The Official Action rejected claims 41-44 and 48-51 under 35 USC 102(b) as being anticipated by Ellinger et al. (US Patent 5,880,480; hereinafter ELLINGER).

The Official Action rejected claims 16 and 37 under 35 USC 103(a) as being unpatentable over HANSEL in view of Benjay et al. (US Patent 5,431,199).

The Official Action rejected claims 5-8, 17, and 23-26 under 35 USC 103(a) as being unpatentable over CRANDALL in view of HANSEL and further in view of ELLINGER.

The Official Action rejected claims 9, 10, and 27-29 under 35 USC 103(a) as being unpatentable over CRANDALL as

modified by HANSEL and ELLINGER and further in view of Verheijen (US Patent 6,239,875; hereinafter VERHEIJEN).

The Official Action rejected claims 18, 39, and 40 under 35 USC 103(a) as being unpatentable over CRANDALL as modified by HANSEL and further in view of Lamont et al. (US Patent 4,934,419).

The Official Action rejected claims 45-46, 52 and 53 under 35 USC 103(a) as being unpatentable over ELLINGER in view of VERHEIJEN.

The Rejections Are Traversed

The substantive rejections listed above are respectfully traversed for at least the reasons that follow.

As to claims 1 and 19, it is respectfully submitted that neither HANSEL nor CRANDALL, individually or in combination, teach or suggest establishing a liquid-tight connection between a nozzle of a refueling gun for fuel dispensing and a coupling piece of a fuel receiving object.

On the contrary, neither of HANSEL and CRANDALL are directed to spill-free refueling. It is respectfully submitted that spill-free refueling is a special technique known to the skilled person which requires that a liquid-tight connection between a fueling gun nozzle and coupling piece of the fueling receiving object is established, as required by claims 1 and 19.

HANSEL teaches a conventional fueling gun where the nozzle mates loosely with the fillpipe of the fuel tank; for

example, where HANSEL's fueling gun is to be maintained within the fillpipe without operator assistance, HANSEL teaches only a latch extension 53 to prevent the fueling gun from falling out of the fillpipe (column 5, lines 33-56). Neither the specification nor the drawing figures teach or suggest anything approaching a liquid-tight connection.

At best, HANSEL teaches only a "magnetic seal portion 28" of a vapor receiving chamber 25. Said vapor receiving chamber 25, however, surrounds the outer surface of a portion of the nozzle 12 (column 3, lines 51-62; Figure 1) and is a distinct and separate element from the nozzle 12. Moreover, there is no teaching or suggestion in HANSEL that the magnetic seal portion 28 establishes a liquid-tight connection. In other words, HANSEL makes no teaching or suggestion, in either of the specification or the drawing figures, of any spill-free features, or that the nozzle 12 of its fueling gun establishes a liquid-tight connection, as recited by claims 1 and 19.

CRANDALL similarly teaches a conventional fueling gun with respect to the interface between the nozzle and the fillpipe. CRANDALL makes no teaching or suggestion of a liquid-tight connection between the nozzle of a fueling gun and a fuel receiving object. On the contrary, CRANDALL discloses only that the nozzle 38 is "introduced into the fill spout of a tank to be filled," (column 3, lines 67-73).

Accordingly, it is respectfully submitted that neither HANSEL nor CRANDALL, individually or in combination, teach or suggest establishing a liquid-tight connection between a nozzle of a refueling gun and a coupling piece of a fuel receiving object, as required by claims 1 and 19.

It is further respectfully submitted that neither of HANSEL nor CRANDALL, individually or in combination, teach or suggest a level detection signaling configuration for detecting the predetermined fuel level in the fuel container is arranged to be established by means of moving said gun (1) into position for establishment of the liquid-tight connection, as required by claims 1 and 19.

On the contrary, both HANSEL and CRANDALL teach refueling devices that detect only when liquid impacts the nozzle itself (e.g., HANSEL column 3, lines 42-46; CRANDALL column 4, lines 66-75).

Neither HANSEL nor CRANDALL, individually or in combination, teach or suggest detection of a predetermined fuel level in the fuel container, nor do either of HANSEL or CRANDALL, individually or in combination, teach a signaling configuration for detecting same by means of moving the refueling gun into position for establishment of a liquid-tight connection.

For all the foregoing, it is respectfully submitted that neither HANSEL nor CRANDALL, individually or in combination, teach or suggest all the features recited in claims 1 and 19. It

is therefore respectfully submitted that claims 1 and 19 are patentable over HANSEL and CRANDALL. Reconsideration and withdrawal of the rejections of claims 1 and 19 are respectfully requested.

It is further respectfully submitted that all claims depending from claims 1 and 19 are patentable at least for depending from patentable claims, as outlined above. Reconsideration and allowance of the claims are respectfully requested.

As to claim 41, it is respectfully submitted that claim 41 has been amended with the recitations of dependent claim 47 and intervening claim 45, indicated as patentable by the Official Action, as stated above. It is therefore respectfully submitted that the rejection of claim 41 is rendered moot, and that claim 41 and claims depending therefrom are in condition for allowance.

As to claim 48, it is respectfully submitted that claim 48 has been amended with the recitations of dependent claim 54 and intervening claim 52, indicated as patentable by the Official Action, as stated above. It is therefore respectfully submitted that the rejection of claim 48 is rendered moot, and that claim 41 and claims depending therefrom are in condition for allowance.

From the foregoing, it will be apparent that applicants have fully responded to the January 25, 2008 Official Action and that the claims as presented are patentable. In view of this, applicants respectfully request entry of this amendment,

reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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